

**MEDICAL EXAMINING BOARD
REGULAR MEETING
NOVEMBER 20, 2002**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Thomas Luetzow, Sandra Mahkorn, Daniel Miota, Clark Olsen, Bhupinder Saini, Darold Treffert, and Muriel Harper, Virginia Heinemann and Karen Kalishek

STAFF PRESENT: Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

GUESTS: Liz Schumacher, Wisc. Medical Society

CALL TO ORDER

Chair Darold Treffert called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments: Proposed Stipulation – David D. Darcy, M.D.
Issue Complaint – 00 MED 014
Darwin Tichenor - IPP
Informational Item - AMA
Canadian LMCC Exam
Additional Information – Mark Benson, M.D.

MOTION: Clark Olsen moved, seconded by Karen Kalishek, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OCTOBER 23, 2002

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, to approve the minutes of October 23, 2002. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera addressed the Board and reported on the good news from the Budget Committee that is reviewing state departments. Secretary Herrera stated that the department of Regulation and Licensing was complimented on how the department is run. The department currently credentials 111 professions, up from 65, with the same number of employees from ten years ago.

Secretary Herrera wants to ensure that the department will be left in order, with no loose ends, when the new governor takes over. He wants the department staff to continue to serve the boards and the citizens of Wisconsin. Secretary Herrera's goal is to serve the people of the state and boards with a smooth transition to the next governor. Secretary Herrera stated that the department has done a good job of licensing over 300,000 professionals with a staff of 127.

Secretary Herrera wanted to thank the Board from the Governor for their service and contributions. Secretary Herrera said that we may see new people in the department after inauguration, however, business should continue as normal; serving the people and to carry on the government.

Dr. Treffert said he would like to see the pending Board confirmations voted on prior to inauguration day. Dr. Treffert said it would be in the best interest for continuity purposes of the Boards. Secretary Herrera said he would speak to the Governor on this issue.

Dr. Treffert advised the Board that per the Federation, Wisconsin is ranked low for disciplinary actions taken. Dr. Treffert was able to find out that the Federation has three different categories for discipline. Category A. includes revocations, category B. includes limitations and category C. covers all other disciplinary actions. The Federation only uses categories A. and B. in their reports. Dr. Treffert is working with William Dusso to try to resolve our concerns with the Federation and how they rank Wisconsin.

JOHN A. FRENZ, M.D.

DOE attorney Jack Zwieg, presented a proposed stipulation in the matter concerning John A. Frenz, M.D. This matter will be deliberated on in closed session.

DAVID D. DARCY, M.D.

DOE attorney, James Harris, presented a proposed stipulation in the matter concerning David D. Darcy, M.D. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Dr. Treffert asked the Board to review the report for their cases. Dr. Treffert noted one case has only 25 days left where any action can be taken.

ADMINISTRATIVE RULE REVISIONS – TEMPORARY EDUCATIONAL PERMIT

Wayne Austin asked the Board if they would like the Administrative Rule on Temporary Educational Permit be deleted. Applicants for a temporary educational permit have never been required to complete this examination, since they are usually the same people who apply for full licensure and need to take the open book. Therefore, the staff recommendation is that the provision be deleted.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to delete the provision Section Med. 5.035, Code, governing grant of temporary educational permits. Motion carried unanimously.

FSMB EDUCATIONAL WORKSHOP ON OPIOID ADDICTION TREATMENT

Dr. Darold Treffert asked if anyone wanted to attend this workshop. There were no volunteers to attend this workshop.

DISCUSSION OF USMLE CLINICAL SKILLS EXAMINATION

The Board discussed the letter from the Federation of State Medical Boards of the United States, Inc. Re: USMLE Clinical Skills Examination. Board members do not hold consensus on this issue. The Board decided to add this issue as an agenda item and invite both the Federation and students to the meeting for their input.

MOTION: Sidney Johnson moved, seconded by Ronald Grossman, to invite both the USMLE Federation and medical students to a future meeting to make a presentation on the clinical skills exam. Motion carried unanimously.

REPORT OF IPP COMMITTEE

Clark Olsen advised the Board that an IPP report will be made at the next meeting.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 35 cases. Eight cases were opened, 22 complaints were not opened, and more information was requested on five.

Dr. Treffert wanted to thank all the screeners for their work.

Dr. Treffert suggested that complaints involving fraud, drugs (controlled substances) and boundary issues should be sent to the accused. Dr. Treffert believes this would help streamline the process.

The screening committee next month will be Drs. Darold Treffert, Sidney Johnson and Virginia Heinemann.

RECESS TO CLOSED SESSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for the purpose of deliberation of proposed stipulations, issuing complaints, requesting stay of suspensions, requesting full licensure, to consider the LMCC exam taken prior to 1978, request to discuss problems with completing record keeping course, approve a therapist, reviewing case status, issuing a complaint, granting licenses and consulting with legal counsel. Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Thomas Luetzow – yes, Sandra Mahkorn – yes, Daniel Miota – yes, Clark Olsen – yes, Bhupinder Saini – yes, Darold Treffert, and Muriel Harper – yes and Virginia Heinemann – yes, Karen Kalishek - yes. Motion carried unanimously.

Open session recessed at 9:10 a.m.

DELIBERATION OF PROPOSED STIPULATIONS

JOHN A. FRENZ, M.D.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to adopt the proposed stipulation in the matter concerning John A. Frenz, M.D. Motion carried. Karen Kalishek, case advisor, abstained.

DAVID D. DARCY, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt the proposed Stipulation in the matter concerning David D. Darcy, M.D. Motion carried. Daniel Miota, case advisory, abstained.

DELIBERATION OF PROPOSED DECISION – MILAN A. JECKLE, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to adopt the proposed Findings of Fact in the matter concerning Milan A. Jeckle, M.D. Virginia Heinemann, case advisor, was not present during deliberation. Motion carried.

MOTION: Sidney Johnson moved, seconded by Daniel Miota, to adopt the proposed Conclusions of Law in the matter concerning Milan A. Jeckle, M.D. Virginia Heinemann, case advisor, was not present during deliberation. Motion carried.

MOTION: Sidney Johnson moved, seconded by Alfred Franger, to indefinitely suspend the license of respondent Milan A. Jeckle, M.D. Case Advisor Virginia Heinemann was not present during deliberation. Roll call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Muriel Harper – yes, Sidney Johnson – yes, Karen Kalishek – yes, Thomas Luetzow – yes, Sandra Mahkorn – no, Daniel Miota – yes, Clark Olsen – no, Bhupinder Saini – yes, Darold Treffert – yes. Motion carried.

REQUEST FOR THE BOARD TO ACCEPT THE LMCC EXAM TAKEN PRIOR TO 1978 – GREGORY T. MACLENNAN, M.D.

MOTION: Alfred Franger moved, seconded by Sandra Mahkorn, the Board does not recognize the Canadian LMCC exam taken prior to 1978 as equivalent to the Wisconsin licensure exam and therefore must deny the application of Gregory T. MacLennan, M.D. Muriel Harper and Thomas Luetzow abstained. A vote was taken with 6 votes yes and 5 votes no. Motion carried.

MOTION: Thomas Luetzow moved, seconded by Alfred Franger, to re-examine the administrative rule regarding the 1978 LMCC test and consider changing the rule that if the candidate has passed their specialty boards and is

currently certified in addition to the LMCC as equivalent to the Wisconsin licensure exam. Motion carried unanimously.

REQUEST FOR REINSTATEMENT – MARK BENSON, M.D.

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to deny the reinstatement of Mark Benson, M.D., and reconsider the request after a positive recommendation is received from Dr. Lance Longo. Daniel Miota abstained. Motion carried.

REQUEST TO DISCUSS PROBLEMS WITH COMPLETING RECORD KEEPING COURSE – PERRY COALMON, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, that Arthur Thexton will negotiate a limited license after Perry Coalmon, M.D., has paid for the Patient Compensation Fund Assessment and the back malpractice insurance he owes. Motion carried unanimously.

APPEARANCE AND REQUEST FOR APPROVAL OF THERAPIST- GARY ROCHON, M.D.

MOTION: Sidney Johnson moved, seconded by Sandra Mahkorn, to table the appearance of Gary Rochon, M.D., until next month and approve Martin Wasman as his therapist. Motion carried unanimously.

COMPLETION OF BOARD ORDER – REINSTATE TO FULL LICENSURE – NEIL P. CONNOR, M.D.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to approve reinstate for full licensure for Neil P. Connor, M.D. Motion carried unanimously.

STAY OF SUSPENSION – ROBERT E. FARNER, M.D.

MOTION: Sidney Johnson moved, seconded by Sandra Mahkorn, to grant a three month stay of suspension to Robert E. Farner, M.D. Motion carried unanimously.

ISSUE COMPLAINT

00 MED 014

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, that there is probable cause to believe that the licensee in **00 MED 014** is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

CASE STATUS REVIEW

MOTION: Clark Olsen moved, seconded by Virginia Heinemann, to remove licensee R.V. (initials) from the IPP Program and refer to DOE for further action. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Alfred Franger moved, seconded by Muriel Harper, to close complaint **02 MED 071**, for insufficient evidence and send to the Bureau of Quality Compliance (BQA). Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to close complaint **02 MED 354**, for prosecutorial discretion. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Bhupinder Saini, to close complaint **02 MED 144**, for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to close complaint **02 MED 250**, for insufficient evidence and refer back to screening and open with any other physician involved. Motion carried unanimously.

MOTION: Sidney Johnson moved, seconded by Clark Olsen, to close complaint **02 MED 096**, for no violation. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Ronald Grossman, to close complaint **98 MED 095**, for prosecutorial discretion. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 299**, for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Clark Olsen moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice as physician's assistants in the State of Wisconsin. Motion carried unanimously.

MOTION: Clark Olsen moved, seconded by Alfred Franger, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Ronald Grossman moved, seconded by Clark Olsen, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:07 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Virginian Heinemann moved, seconded by Alfred Franger, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Miota moved, seconded by Lief Erickson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:14 p.m.